

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of January 25, 2010. Claims 1-9 and 33-35 are pending in this application and are currently under consideration. Reconsideration of the Application is requested.

#### **The Office Action**

The Drawings were objected to under 37 C.F.R. § 1.83(a).

The Specification was objected to because reference character "410" designates both "an edge host" and "an edge server."

Claims 1-2, 4, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,187,459 to Chiba *et al.* in view of U.S. Patent Application Publication No. 2002/0188504 to Whale and U.S. Patent No. 6,226,097 to Kimura.

Claims 3, 5-6, and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiba, Whale, and Kimura as applied to claims above, and further in view of U.S. Patent No. 6,463,078 to Engstrom *et al.*

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiba, Whale, Kimura, and Engstrom as applied to claims above, and further in view of U.S. Patent No. 6,496,858 to Frailong *et al.*

Claim 35 was rejected in the Office Action, but reasons for the rejection were not provided.

#### **Objections to the Drawings**

The drawings were objected to because the "edge server," as recited by claim 8, was not shown in the drawings. This objection should be removed for at least the following reason: Claim 8 now recites "edge host" and no longer recites "edge server." The "edge host" is shown in at least element 410 of Figure 2. Thus, this objection should be removed.

**Objections to the Specification**

The Specification was objected to because the reference character "410" refers to an edge host and an edge server. It is respectfully requested that this objection be removed for at least the following reasons. The Specification has been amended, and the reference character "410" no longer denotes an edge server. Accordingly, it is submitted that this objection be removed.

**Rejection of Claims 1-2, 4 and 33-34 Under 35 U.S.C. § 103(a)**

Claims 1-2, 4 and 33-34 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chiba *et al.* in view of Whale, and further in view of Kimura. It is respectfully requested that this rejection be withdrawn for at least the following reasons. The combination of the cited portions of the references fails to render the subject claims obvious.

Independent claim 1 recites a system comprising *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. The cited portions of the references, whether taken alone or in combination, fail to disclose or suggest each and every element of the claimed subject matter.

Generally, Chiba discloses a printer in connection with a separate host computer 50. A control program is generated by the printer control software 20a, which is contained within the Host Computer 50.

The Examiner contends that Chiba discloses *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services* at steps S304 and S306 of Figure 7. Applicants respectfully disagree with such contention.

The cited portions of Chiba fail to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. Steps S304 and S306 of Chiba appear to disclose downloading of control program data if none is present. The Examiner has failed to cite any passages of Chiba that disclose that the control program data of Chiba adds, deletes, updates, or customizes services. Instead, it is submitted that the control program data of Chiba facilitates printing of a first

or second class print job. Printing is a distinctly different function than adding, deleting, updating, or customizing services. The control program data appears to be inoperative to add, delete, update and customize services. Therefore, the cited portion of Chiba fails to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as independent claim 1 recites.

The cited portions of Whale are also silent regarding *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. Generally, Whale is directed to ordering printer supplies, such as toner, from vendors.

Also, the cited portions of Kimura appear to disclose virtual print servers. The cited portion of Kimura is silent regarding *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as claimed.

In view of at least the foregoing, it is readily apparent that the cited portions of the references fail to render independent claim 1 (and associated dependent claims 2, 4 and 33-34) obvious. Accordingly, this rejection should be withdrawn.

**Rejection of Claims 3, 5-6 and 8-9 Under 35 U.S.C. § 103(a)**

**Claims 3 and 5**

Claims 3 and 5 were rejected as being obvious in view of a combination of Chiba, Whale, Kimura and Engstrom. It is respectfully requested that the rejection of claims 3 and 5 be withdrawn for at least the following reasons. Claims 3 and 5 depend from independent claim 1. The cited portions of Engstrom fail to cure the above-mentioned deficiencies of Chiba, Whale and Kimura with respect to independent claim 1. Thus, this rejection should be withdrawn with respect to claims 3 and 5.

**Claims 6 and 8-9**

Claims 6 and 8-9 were rejected as being obvious in view of a combination of Chiba, Whale, Kimura and Engstrom. This rejection should be withdrawn for at least the following reasons. The cited portions of the references, whether taken alone or in

combination, fail to disclose or suggest each and every element of the claimed subject matter.

Independent claim 6 recites a method comprising *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. The cited portions of the references fail to disclose the claimed subject matter.

The Examiner contends that Chiba discloses *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services* at steps S304 and S306 of Figure 7. Applicants respectfully disagree with such contention.

The cited portions of Chiba fail to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. Steps 304 and 306 of Chiba appear to disclose downloading of control program data if none is present. The Examiner has failed to cite any passages of Chiba that disclose that the control program data of Chiba adds, deletes, updates, or customizes services. Instead, it is submitted that the control program data of Chiba facilitates printing of a first or second class print job. Thus, even if control program data is downloaded, the control program data appears to be inoperative to add, delete, update and customize services. Therefore, the cited portion of Chiba fails to disclose *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as independent claim 6 recites.

The cited portions of Whale are also silent regarding *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*. Generally, Whale is directed to ordering printer supplies, such as toner, from vendors.

Also, the cited portions of Kimura appear to disclose virtual print servers. The cited portion of Kimura is silent regarding *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as independent claim 6 recites. Engstrom is also silent with respect to *dynamic provisioning to automatically download software as needed to add, delete, update, and customize services*, as claimed.

In view of the forgoing, it is readily apparent that the cited portions of the references, whether taken alone or in combination, fail to disclose each and every element of independent claim 6 (and associated dependent claims 8-9). Accordingly, this rejection should be withdrawn with respect to claims 6 and 8-9.

**Rejection of Claim 7 Under 35 U.S.C. § 103(a)**

Claim 7 was rejected as being obvious in view of a combination of Chiba, Whale, Kimura, Engstrom and Frailong. It is respectfully requested that the rejection of claim 7 be withdrawn for at least the following reasons. Claim 7 depends from independent claim 6. The cited portions of Frailong fail to cure the above-mentioned deficiencies of Chiba, Whale, Kimura and Engstrom with respect to independent claim 6. Thus, this rejection should be withdrawn with respect to claim 7.

**CONCLUSION**

For the reasons detailed above, it is submitted all remaining claims are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR		(3) NUMBER EXTRA
TOTAL CLAIMS	12	- 20 =	0
INDEPENDENT CLAIMS	2	- 3 =	0

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned, at Telephone Number (216) 363-9000.

Respectfully submitted,

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Date

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